

**LAKE COUNTY BOARD of ADJUSTMENT**  
**July 11, 2012**  
**Lake County Courthouse Large Conference Room (Rm 317)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Clarence Brazil, Sue Lavery, Mike Marchetti, Tim McGinnis

**STAFF PRESENT:** Joel Nelson, Karl Smithback, Lita Fonda

Mike Marchetti called the meeting to order at 4:00 pm.

Mike referred to a list of suggestions for corrections or additions to the minutes as written. (See attachment to minutes in the July 2012 meeting file.)

**Motion made by Sue Lavery, and seconded by Clarence Brazil, to approve the June 13, 2012 meeting minutes with the changes as listed. Vote unanimous to approve minutes.**

Karl reminded the assembly that the Morken Variance item was postponed until the next meeting.

**NORBERG CONDITIONAL USES—UPPER WEST SHORE**

Karl Smithback presented the staff report. (See attachments to minutes in the July 2012 meeting file for staff report.)

Karl noted that some adjacent landowners discussed concerns with him about whether or not Mary B Lane was dedicated to the public, which it was, whether or not they could prevent the Norbergs from using it, and whether or not they could continue to use the Norberg property as a turnaround. They cleared these things up, and he hadn't heard back from them. It was a public road. They couldn't deny access. It was the Norberg property and there was no recorded easement for a turnaround.

Karl pointed out a text error on pg. 16, in the first paragraph, where it should read 'conditional use' rather than 'variance' in the middle of the paragraph.

Joel noted that the findings were jumbled, and pointed to pgs. 18-19, whose contents should follow the bottom of pg. 15. Mike checked that the last paragraph on pg. 17 through the findings of fact at the bottom of pg. 19 should be moved. Joel clarified that #1 at the top of pg. 18 through #8 all belonged at the end of pg. 15, following the information there.

**Motion made by Mike Marchetti, and seconded by Sue Lavery, to amend the staff report document to move items #1 through #8 on pgs. 18 and 19 to the bottom of pg. 15, and to update the verbiage on the top of pg. 16 to change 'variance request' in the first paragraph to 'conditional use requests'. Motion carried, all in favor.**

Tim asked about the criteria for two distinct tracts. Joel said they looked at the tract history. Karl explained the parcel was originally probably just the mainland, based on the old GLO meander line. Mary B Island was omitted from that survey. At some point, the owners of this property asked about the ownership of Mary B Island. Joel thought they asked the Dept of the Interior, US Government Land Office. Karl continued that they basically said they weren't claiming ownership. A certificate of survey was filed incorporating Mary B Island to the mainland parcel. Joel added that this was prior to the platting act. There was nothing to indicate they were the same tract of record, other than that they showed up on the same survey. They each had a legal description as tracts of record.

Tim asked if the island was part of the tract of record and only had one legal description, if you could use that as part of the impervious surface calculation. Joel didn't think that you could. It was outside the zoning district. You couldn't use land outside the zoning district to bring yourself into compliance with the zoning district.

Clarence asked about the size of the island. Karl thought it was about 60 feet in radius.

Rod Danz, the agent for the applicant, had no comments to add.

*Public comment opened:* None offered. *Public comment closed.*

**Motion made by Clarence Brazil, and seconded by Tim McGinnis, to approve the conditional uses with staff conditions, findings of fact and report. Motion carried, all in favor.**

Mike mentioned he was happy to see that the permit was requested prior to work happening. This was refreshing.

**MORKEN VARIANCE—EAST SHORE: POSTPONED**

**OTHER BUSINESS**

Joel brought up a possible change of the August meeting from Wed, August 8 to Wed, August 15. Sue and Clarence said this would work better for them. Joel noted the noticing would be done for the 15<sup>th</sup>.

**Mike Marchetti, chair, adjourned the meeting at 4:15 pm.**